

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
Annual Assessment of the Status of)	MB Docket No. 12-203
Competition in the Market for the)	
Delivery of Video Programming)	

**COMMENTS OF
Chicago Access Corporation (“CAN TV”)**

Chicago Access Corporation (“CAN TV”) submits these comments in response to the above-captioned Notice of Inquiry (“NOI”) released July 20, 2012, seeking “data, information, and comment on the state of competition in the delivery of video programming.” CAN TV provides public, educational and governmental (PEG) access services within the Chicago city limits and administers five local, noncommercial channels that reach a million potential viewers.

In a rapidly evolving media landscape, it is critical that protections for the public are solidly put in place to assure responsiveness to local needs and encourage a diversity of information sources and services. CAN TV’s five channels are over 90% local and serve health, educational, arts, economic development, civic, and other needs. In 2011, CAN TV logged 80,000 phone calls to jobs and training messages on its interactive bulletin board channel, which connects local residents with opportunities offered through Chicago-based job and training providers. Veterans groups, educational institutions, small business development groups and a wide array of local residents all come to CAN TV for training and assistance.

This NOI fails to acknowledge the important and unique role that PEG Access centers play as Video Content Creators and Aggregators (Paragraph 75). PEG channels are the only outlet on cable and video systems expressly devoted to public use. In fact, CAN TV has over 140 hours a week of new, original local programming, more than all of Chicago’s broadcast channels combined. Paragraph 75 poses the question, “Do independent production entities face any barriers in obtaining carriage on all or some delivery systems?” These comments point out that PEG channels face a significant barrier in relation to AT&T’s U-Verse delivery system.

In Chicago, four companies operate cable and video franchises. Comcast has 330,200 subscribers within the city limits. RCN has 76,600 subscribers along the lakefront, and WOW

has 23,400 on the South Side. AT&T serves within the city limits but does not provide the City with its subscriber numbers. All of these companies, except AT&T, provide five channels to CAN TV at the same channel locations throughout the city on the lowest cost basic tier of service. CAN TV does not place its channels on AT&T's system because the company is defying key provisions of 220 ILCS 5/21-601, Illinois' Cable and Video Competition Law of 2007 ("Illinois' state franchising law.") That law requires that all state-franchised companies provide PEG channels at equivalent signal quality and functionality to commercial channels. On its U-Verse system, AT&T has moved all of the public's channels to an inaccessible, subpar, marginally functional "Channel 99." Chicago residents expect public channels to be delivered in an equivalent manner to commercial channels (See Attachment A.)¹

Information on the deficits of AT&T's treatment of the public's channels are widely known and are the subject of the *ACM et al* Petition, MB Docket 09-13, which was submitted three and a half years ago to the FCC. There has been no FCC action to date to protect the public by addressing the problems detailed in that filing.

In Chicago, cable companies Comcast, RCN and WOW provide CAN TV with channels that are equivalent to commercial channels in signal quality and functionality free from the deficiencies of AT&T's U-Verse system. On those three cable systems, there has been no reduction in the number of channels provided to CAN TV in Chicago since June 2010, but there has been a significant reduction in capacity for CAN TV channels with the digital conversion of cable systems. According to an engineering opinion provided to CAN TV by Columbia Telecommunications Corporation (Attachment B,) the digital video capacity of a standard 6 MHz spectrum block converts to two to three high-definition television (HDTV) channels or 11 to 12 standard-definition television (SDTV) channels in a typical cable system. Under a new franchise with RCN, the first of three local companies to relicense in Chicago, CAN TV will get five HD channels in addition to having those channels duplicated on SD. That allocation represents an overall reduction in capacity from CAN TV's previous analog channel capacity.

As a policy matter, it is important that the FCC put in place protections to assure that PEG channels are part of the HD migration. In other cities and towns around the nation, industry is taking analog capacity and converting it into a multiplicity of digital and HD channels, but

¹ 2010 Study conducted by Group W Communications, LLC in consultation with The Buske Group. Interviews were conducted by telephone from 9/23/2010 to 10/2/2010 with 400 randomly selected Chicago cable subscribers.

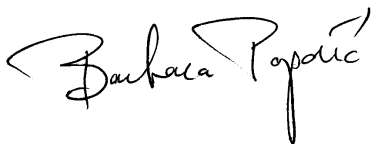
refusing to also convert PEG channels. The FCC must safeguard against industry using the digital conversion as an excuse for leaving the public behind.

In terms of consumer information, CAN TV channels are carried on electronic guides of Comcast, RCN and WOW in a manner equivalent to commercial channels as a requirement of local and state franchise laws. AT&T carries no PEG channels listings for any of the PEG channels carried on its U-Verse system in Illinois, despite an express provision in Illinois law requiring it to do so. Absent listings, the public can't find the local information that they need and value as noted in the 2010 Study attached to these comments.²

Chicago is a city with comparatively robust competition. The industry is healthy with a rise in cable revenues in Chicago by over 80% since 2002. Illinois state franchising law initially only applied to AT&T as the first state franchised company. WOW has now announced its plans to go under state video franchise regulation as its local franchises expire throughout the region. While Illinois' state franchising law doesn't harm PEG channels, AT&T's defiance of that law does, as it continues to place PEG channels in its inaccessible, inferior Channel 99 format without channels listings, DVD recording capabilities, or channel surfing capabilities.

As competition continues to thrive, it is imperative that stronger protections for the public be put in place. The FCC has a leading role in fostering a media system that is responsive to the public. It must not permit the Communications Act goal of promoting competition to outweigh goals to "encourage the growth and development of cable systems which are responsive to the needs and interests of the local community," and "that cable communications provide and are encouraged to provide the widest possible diversity of information sources and services to the public."

Date: August 30, 2012

A handwritten signature in black ink that reads "Barbara Popovic". The signature is stylized with a large, looped 'B' and a cursive 'Popovic'.

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² Attachment A, page 2 "Summary" and page 4 "Subscribers Rate as Important."